

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 September 2011 has been entered.

### ***Claim Status***

Claims 1-2 and 4-29 remain pending and are ready for examination.

### ***Allowable Subject Matter***

Claims **1-2** and **4-29** are allowed.

The following is an Examiner's statement of reasons for allowance: the prior art made of record teaches a synchronization for two data mirrors, but fails to teach the combination including the limitation of:

(Claim **1**) "...and sending the acknowledgment information from the primary storage entity to the first remote storage entity; discarding at least some of the sequence numbers from the first sidefile that are equal to or older than the newest contiguous sequence number, based on the acknowledgment information; ...";

(Claim **13**) "...and send the acknowledgment information to the mirroring first remote storage entity; wherein the mirroring first remote storage entity is configured to discard at least some of the sequence numbers from the first sidefile that are equal to or

older than the newest contiguous sequence number, based on the acknowledgment information: ...";

(Claim 28) "...receiving acknowledgements from the primary storage entity, the acknowledgements indicating a newest contiguous sequence number of a second sidefile maintained by the mirroring second remote storage entity, discarding at least some of the sequence numbers from the first sidefile that are equal to or older than the newest contiguous sequence number of the second side file; and ...";

(Claim 29) "...receive acknowledgements from the second remote storage entity, the acknowledgements indicating a newest contiguous sequence number of a second sidefile maintained by the mirroring second remote storage entity, discard at least some of the sequence numbers from the first sidefile that are equal to or older than the newest contiguous sequence number of the second side file; and...";

As dependent claims 2, 4-12, and 14-27 depend from an allowable base claim; they are at least allowable for the same reasons as noted *supra*.

The prior art made of record, Iwamura et al. (US 2005/0038968) and Carteau (U.S. 2002/0083281), neither anticipates nor renders obvious the above-recited combinations for at least the reasons specified and as shown in Applicant's Arguments filed 12 September 2011.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments filed 12 September 2011 have been carefully and fully considered, and are persuasive. As noted *supra* the case is in condition for allowance.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Bradley whose telephone number is (571) 272-8575. The examiner can normally be reached on 6:30-3:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Ellis can be reached on (571) 272-4205. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Matthew Bradley/  
Primary Examiner, Art Unit 2187